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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**SPENCER NORMAN, KIEFER NORMAN, COURTNEY NORMAN
AND HELEN S. NORMAN**

VS.

**CAMDEN COUNTY, BRIAN D. FIENE, DWIGHT D. FRANKLIN,
RICHARD B. DZIADOSZ, LARRY L. RUTHERFORD, AND JAMEE L.
WATSON**

Case No. 2:12-CV-04210-NKL

DEPOSITION OF JASON CRAMER

JULY 1, 2013

Exhibit

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1 (WHEREUPON, the deposition began at
2 3:04 p.m.)

3 JASON CRAMER, being sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. HENSON:

5 Q. Sir, would you please state your full
6 name and address for the record.

7 A. Jason Cramer, and my address is
8 856 Wind Road, Osage Beach, Missouri.

9 Q. Mr. Cramer, my name is Keith Henson.
10 I previously introduced myself to you, and I've
11 explained to you today that we are here to take
12 your deposition in a lawsuit that is styled
13 Norman, et al versus Camden County, et al, and that
14 I represent the Defendants in this lawsuit, which
15 are Camden County Sheriff Dwight Franklin, Sergeant
16 Brian Fiene, Deputy Richard Dziadosz, Deputy Jamee
17 Watson and Deputy Larry Rutherford, and you
18 understand that, do you not?

19 A. Yes.

20 Q. All right. And are you appearing
21 here today pursuant to a subpoena that I had served
22 upon you requesting you to come here and give your
23 deposition in this lawsuit today?

24 A. Yes.

25 MR. HENSON: Let's ark this.

1 resides in your household?

2 A. Correct. Christopher Smith.

3 Q. How old is Christopher?

4 A. And he's ten.

5 Q. Is that all of your children and
6 Ms. Smith's children?

7 A. That's it.

8 Q. Can you tell me what your age is?

9 A. 32.

10 Q. And can you tell me what your Social
11 Security number is?

12 A. Xxx-xx-8128. (REPORTER'S NOTE:
13 Redacted pursuant to discussion on page 105.)

14 Q. Where were you living on October 4th
15 of 2011?

16 A. That would be 258 Teer Drive,
17 Linn Creek, Missouri.

18 Q. And what type of residence did you
19 live in on October 4th of 2011 at 258 Teer Drive?

20 A. It was a mobile home with an
21 addition.

22 Q. Did you own that residence?

23 A. No. We rented.

24 Q. And who did own that residence?

25 A. Roger Murray.

1 A. Yes.

2 Q. -- address?

3 A. Yes, we did.

4 Q. Is that a residence you're renting
5 again?

6 A. Yes, it is.

7 Q. And who owns that residence?

8 A. Actually, Amber's parents own it.

9 Q. What are their names?

10 A. Randy and Diane Smith.

11 Q. And do they live down here in
12 Camdenton or in the Ozarks?

13 A. Osage Beach. They live in the same
14 place. We rent the downstairs. It's a big house.

15 Q. So you all live in one residence?

16 A. Yeah.

17 Q. All right. Back on October 4th of
18 2011 when you lived at 258 Teer Drive, who was
19 residing with you at that address?

20 A. Me, Amber and the four kids.

21 Q. So it was you, your significant other
22 Amber Smith, and your four children that you've
23 given to us. Give me their names again.

24 A. Christopher, Breanna, Landon and
25 Cayden.

1 A. That sounds about right.

2 Q. Okay. Where were you working on
3 October 4th, 2011?

4 A. I was working for Bolivar Insulation,
5 and they're right there in Linn Creek Business
6 Park.

7 Q. And can you tell us, did an incident
8 occur that evening or that morning, I guess, of
9 October 4th, 2011?

10 A. Yeah, that morning.

11 Q. About what time did this incident
12 occur?

13 A. It was very, very early morning. I
14 really don't know, remember what time. I know it
15 was really early, and I was woke up out of bed.

16 Q. And if I represented to you and asked
17 you to assume it was about four o'clock a.m. in the
18 morning, would that sound about right?

19 A. That was pretty close.

20 Q. Can you tell me, were you asleep
21 before you got woke up?

22 A. Yes, I was.

23 Q. And was Amber Smith at home that
24 morning?

25 A. Yes.

1 Q. And were your four children in the
2 house that morning?

3 A. Yes, they were.

4 Q. Can you tell me just in your own
5 words what happened at four o'clock a.m. that
6 morning at your home?

7 A. Well, I was -- I was woke up by this
8 guy beating on the door, banging on the door,
9 yelling and screaming, and I woke up. And Amber
10 was already awake. It had woke her up, too. Her
11 and Breanna were sleeping on the couch.

12 And I went to the door and opened the
13 door. I didn't know what was going on. I thought
14 maybe somebody was in trouble. So I opened the
15 door, and the guy just comes barging in. And, of
16 course, I've got my kids in the house, so I stopped
17 him right there at the door and was trying to get
18 out of him what was going on.

19 And I couldn't get -- I couldn't
20 really get an answer from him. I couldn't
21 understand him. All he was doing was waving his
22 arms around, and I took that as a threat to me and
23 my family, and I grabbed ahold of him and was
24 trying to get him out of my house.

25 Q. Well, let's stop right there and talk

1 A. No.

2 Q. So if I understand you correctly,
3 there was someone banging on your front door and
4 yelling; is that right?

5 A. That's correct.

6 Q. Could you decipher what this
7 individual was saying?

8 A. I could not understand what he was
9 saying.

10 Q. You went to the front door and you
11 thought somebody might be hurt or something like
12 that?

13 A. I thought somebody might be in
14 trouble or hurt, so I naturally opened the door and
15 was going to offer assistance, but --

16 Q. And what happened when you opened
17 your front door that morning?

18 A. He came -- that's when he came
19 barging in my front door.

20 Q. Did this individual actually come
21 through the door and come into your house?

22 A. Yes, he did.

23 Q. And where was Amber Smith and her
24 child?

25 A. They were still in the front room.

1 Q. So were they in the same room where
2 this individual entered?

3 A. Yes, they were.

4 Q. And did the individual say anything
5 to you?

6 A. Like I said, whatever he was saying I
7 could not understand. Now, I don't know if -- if
8 he was -- I still believe that he was messed up on
9 something, because there was a lot of stuff coming
10 out of his mouth but I could not understand it.

11 Q. So this individual was speaking and
12 talking, but whatever he was saying you couldn't
13 decipher?

14 A. Correct.

15 Q. And it was your impression, I guess,
16 that this individual was high on some type of drug?

17 A. To my knowledge, I would assume.
18 Nobody -- nobody does that. That's not logical.

19 Q. All right. What was this individual
20 wearing?

21 A. He was in a pair of shorts, and I
22 don't remember if they were just boxer shorts or if
23 they were just everyday wearing shorts.

24 Q. Did the individual have any shirt on?

25 A. No.

1 Q. Was the individual wearing a hat?

2 A. No.

3 Q. Was he carrying any objects or
4 anything of that nature?

5 A. No.

6 Q. Did it appear to you he had any type
7 of weapon?

8 A. It didn't appear to me.

9 Q. So when this individual came into
10 your house, did you try to talk to him?

11 A. I did at first, and when I didn't get
12 no response, I -- he just started waving his arms
13 around and barging and pushing his way in further,
14 trying to get in further. And that's when I took
15 it upon myself to kick him out of my home.

16 Q. So did this individual lay his hands
17 upon you and push you in your house?

18 A. He did push me. He tried to push me
19 back to try to get into my house further, and
20 that's when I grabbed ahold of him.

21 Q. Where did you grab this individual?

22 A. I grabbed him by the throat.

23 Q. And when you grabbed the individual
24 by the throat, what did you do at that point in
25 time?

1 A. At that point in time, I was
2 squeezing, trying to get him to back off and go
3 back outside, to get away.

4 Q. And what -- how did this individual
5 react once you grabbed him by the throat and
6 started squeezing his throat?

7 A. He persisted in fighting me with
8 more -- I don't know what you call it -- force to
9 try to get into my house.

10 Q. And how did this individual then use
11 force to try to get into your house?

12 A. He -- he pushed -- he was just trying
13 to push on me and try to get me away from him so he
14 could get in further.

15 Q. Did the individual ever attempt to
16 strike you?

17 A. No, not that I'm aware of.

18 Q. When the individual used force and
19 tried to push on into your house, what did you do?

20 A. Well, I grabbed -- I just -- I
21 grabbed tighter, and I got the front door open
22 enough that I got him back out on the porch.

23 Q. Did you push the individual out on
24 the porch from your front room?

25 A. We walked. I had -- and I had ahold

1 of him still, but we walked out on the front porch,
2 and then I let go of him. Then he persisted to try
3 to come back into my house.

4 Q. Was Amber and the one child still in
5 this front room when you were having this
6 interaction?

7 A. At that point, I think they had moved
8 into the kitchen, the dining room area.

9 Q. And when this individual was trying
10 to push into your house and get into your house,
11 what was your general feeling? Were you afraid?

12 A. I was afraid for my family.

13 Q. Did you believe that this individual
14 was a threat to your family?

15 A. I did. At four o'clock in the
16 morning and -- yeah, I did.

17 Q. Why did you believe that the
18 individual was a threat to you and your family?

19 A. With the waving of his arms the way
20 he was doing, I didn't know. It's something I
21 won't take a chance on.

22 Q. Had you ever seen this individual
23 before?

24 A. No, I hadn't. I'd never seen him
25 around there before.

1 Q. So this was the first time that you'd
2 ever seen this individual?

3 A. Correct.

4 Q. I think we got to the point that you
5 had pushed him out the front door and you were on
6 your front porch; is that correct?

7 A. That's correct.

8 Q. And you said the individual persisted
9 in trying to come back into your house?

10 A. He did, and I grabbed ahold of him
11 and in pretty much -- I tried -- before I grabbed
12 ahold of him, I did try to -- I tried to talk to
13 him. I tried to get him to calm down, explain to
14 me what was wrong, what he needed, but he -- the
15 words, what he was saying, I still could not
16 understand at that point. And then the waving of
17 his arms again started going and then he started
18 walking towards me, and yes, I took that as a
19 threat. I grabbed ahold of him in a bear hug and
20 we went off the porch and he went on his back.

21 Q. Did you ever smell alcohol on this
22 individual?

23 A. I didn't.

24 Q. Were you able to see the individual's
25 eyes to see what his eyes looked like?

1 A. I didn't really.

2 Q. But you continued when you were on
3 your front porch to try to talk to this individual
4 and you couldn't understand what he said?

5 A. I could not understand what he was
6 saying.

7 Q. And what did you say to him?

8 A. I asked him to calm down, to tell me
9 what he was in need of, what he -- if there was
10 something I could do to help him.

11 Q. Did the individual attempt to push
12 you to get back into the house again?

13 A. Yes, he did, and that's when I
14 grabbed ahold of him in the bear hug and off the
15 porch. I jumped off the porch. At that point I
16 took it as he was a threat, he was trying to come
17 in and trying to do some harm. So yes, I was
18 taking measures to protect my family and to get him
19 away from me so I could get back in my house.

20 Because at that point, after I got up
21 off the ground with him, I turned -- I got turned
22 around and went up on the porch, and no more than I
23 got on the porch, he was already on the steps
24 again.

25 Q. Well, let's talk about the bear hug.

1 When you put him in a bear hug, when you say those
2 words, it means to me that you took your arms
3 and --

4 A. Put it around him.

5 Q. -- and put it around him?

6 A. Yes.

7 Q. And maybe grasped them in the back?

8 A. Yes. I latched and I held on as
9 tight as I could and I jumped off the porch with
10 him. I meant to get him away from me, whatever it
11 took.

12 Q. And this was the front porch of your
13 residence?

14 A. Correct.

15 Q. How tall was that front porch?

16 A. Three foot.

17 Q. So you grabbed this individual in a
18 bear hug and, in essence, just pushed him and both
19 of you went off the porch onto the ground?

20 A. Correct.

21 Q. And did he land on his back or where
22 did he land?

23 A. He landed on his back.

24 Q. And were you on top of this
25 individual?

1 A. I was.

2 Q. And did you stay on the ground with
3 him for a period of time?

4 A. No. As soon as we hit the ground, I
5 got up, and I assumed at that point maybe I'd made
6 my point for him to go away. Apparently it did not
7 work. I mean, I immediately got up and got up on
8 the porch, and then no more than I got up on the
9 porch off the steps, he was right there on the
10 steps right there behind me.

11 Q. So the individual, once you got off
12 this individual on the ground and you got back up
13 on your front porch, this individual got up and got
14 on the steps, too?

15 A. Up on the steps.

16 Q. And were you standing on the front
17 porch at that time?

18 A. I was. I was standing right at the
19 front of the steps at that point. I was not going
20 to let him back up on the porch.

21 Q. And what -- did the individual say
22 anything at that point in time that you could
23 understand?

24 A. No. At that point there was no -- no
25 verbal anything coming out of his mouth. At that

1 point the arms started going again, and I did see
2 his fists double up like he was going to hit me and
3 I did punch him.

4 Q. Did you say anything to this
5 individual before you punched him?

6 A. I told him to leave before he got
7 hurt, and that was it.

8 Q. And when you told this individual to
9 leave before he got hurt, did he ignore that
10 instruction or --

11 A. Yes, he did. That's when he -- he
12 started waving the arms around and the fists
13 doubled up, and that's when I -- that's when I hit
14 him, and I hit him right square in the jaw and he
15 fell off the porch.

16 Q. Did he get back up on the porch
17 before you hit him?

18 A. He was on the steps. He didn't get
19 back up onto the porch, but he was trying.

20 Q. So you hit him square on the jaw?

21 A. Right on the jaw.

22 Q. And did you knock him down?

23 A. I knocked him down.

24 Q. And did he fall to the ground at that
25 point?

1 A. Yes, he did.

2 Q. And which jaw did you hit him in,
3 left or right?

4 A. Facing me, so it would have been left
5 side.

6 Q. And the individual went down to the
7 ground?

8 A. Yes, he did.

9 Q. And what did you do when this
10 individual went down to the ground?

11 A. Turned around and went in the house
12 and got the door locked. That's when I made the
13 911 call.

14 Q. Did you say anything else to the
15 individual before you went into the house and
16 locked the door?

17 A. No.

18 Q. Did he say anything to you that you
19 recognized?

20 A. No.

21 Q. During this entire encounter, did the
22 individual ever say anything that you could
23 decipher as far as what he was saying?

24 A. No.

25 Q. So you went back into the house,

1 locked the door; is that correct?

2 A. Correct.

3 Q. Did you deadbolt the door or just
4 lock it?

5 A. Well, it was a deadbolt lock.

6 Q. Was Amber Smith and the child in the
7 front room when you went back in?

8 A. Yes. They were standing in the
9 dining room.

10 Q. Did you and Amber Smith have any
11 conversation at that time about what was happening?

12 A. She had asked me if he had said
13 anything about what was -- what he was needing or
14 what was wrong, and at that point I just told her
15 that I was calling the police, I was making the
16 call.

17 Q. And why did you believe it was
18 necessary to call the police?

19 A. Because I just -- I felt at that
20 point that he was definitely -- there was something
21 wrong, but he was not physically able to verify
22 what it was, so he needed help, I mean. And he
23 wouldn't get away from my house, so I didn't know
24 if he would try it somewhere else, which he did.

25 Q. All right. Did you feel at that

1 point in time that this individual was a threat to
2 you and your family?

3 A. At the time he was there, yes.

4 Q. Did you believe that this individual
5 was a threat to your and your family's safety at
6 that point in time?

7 A. Yes, I did.

8 Q. And you called 911?

9 A. Yes, I did.

10 Q. And 911 is the service -- the
11 emergency service that serves Camden County?

12 A. Yes.

13 Q. And did you get through to 911?

14 A. Yes, I did.

15 Q. During the time you were dialing 911,
16 did you hear this individual outside?

17 A. He had -- was -- he started -- he
18 come up on the porch again and he had beat on the
19 door for just a brief second. And then he had --
20 then he had left, and I didn't know where he'd
21 went.

22 I was on the phone with the 911 at
23 that point, and I told them that he was -- he was
24 trying to get back in again, and that's when they
25 told me they would be dispatching somebody out

1 there, to stay in the house with the door locked
2 until somebody arrived.

3 Q. So did this individual attempt to get
4 into your house again?

5 A. Yes, he did.

6 Q. How was this individual attempting to
7 get into your house?

8 A. He was turning the knob on the front
9 door.

10 Q. Did he beat on the door again?

11 A. For just a couple times, and I think
12 once he realized that the door was locked, that he
13 was probably not going to be able to do it again,
14 and it was just -- I don't know how long it was.
15 But it didn't seem like it was very long and the
16 officers were there. But he had already made it to
17 the neighbor's house and the neighbor's mom's
18 house.

19 Q. Did the individual yell anything or
20 say anything when he was beating on your door and
21 when you were calling 911 or attempting to turn the
22 doorknob?

23 A. No.

24 (CRAMER EXHIBIT NO. 2 WAS MARKED FOR
25 IDENTIFICATION.)

1 A. I think it was later on -- later on
2 that day.

3 Q. And did you learn that this
4 individual's name was Glen David Norman?

5 A. Yes.

6 Q. So that was the individual that was
7 at least identified to you as the individual that
8 came into your house that morning?

9 A. Correct.

10 Q. You heard on the beginning of the 911
11 tape, all of those are timed, and it says 4:22 a.m.
12 Did you hear that?

13 A. Correct. Yes.

14 Q. And does that sound about like the
15 approximate time on October 4, 2011 you made the
16 call to 911 about 4:22 a.m.?

17 A. Yeah.

18 Q. All right. It also appeared that you
19 told the 911 operator that this individual had made
20 it into your house one time; is that correct?

21 A. Correct.

22 Q. Is that the only time the individual
23 got into your house was on that one occasion?

24 A. That was it.

25 Q. And it also seemed to me that you had

1 tape. Did you tell the 911 operators that he was
2 still beating on your door and trying to come in
3 your house?

4 A. Yes, I did.

5 Q. And was that your voice on the second
6 part of that call?

7 A. Yes, it was.

8 MR. HENSON: And I think Mr. Carnie's
9 correct. What we can do is put on the record that
10 it appears to me that this 911 call goes on for
11 one, two, three, four, five, six -- six additional
12 segments that is on this CD that we have, and Mr.
13 Carnie has the same CD.

14 And I assume, Mr. Carnie, you and I
15 can agree that those six additional segments of the
16 911 call were conversations between Mr. Cramer and
17 the 911 operator?

18 MR. CARNIE: That's correct, we can.

19 MR. HENSON: And so, therefore, we
20 don't have to listen to all of them, which is a
21 good thing.

22 THE WITNESS: Yeah.

23 MR. CARNIE: Just trying to get you
24 out of here.

25 MR. HENSON: Well, I can tell you

1 Q. Mr. Cramer, you have now listened to
2 that interview that Corporal Stacks did of you on
3 October 6 of 2011. Is that your voice on the
4 interview?

5 A. Yes, it is.

6 Q. Is that the interview that you gave
7 to Corporal Stacks of the Missouri Highway Patrol
8 on October 6, 2011 that we marked as Exhibit 3?

9 A. Yes, it is.

10 Q. One good thing about listening to
11 interviews sometimes is it refreshes your
12 recollection a little bit about what happened
13 because you gave that interview two days after this
14 incident; is that correct?

15 A. Yes.

16 Q. Did you hear some things in there
17 today that has refreshed your recollection about
18 what happened that morning?

19 A. The guy said he needed to go pee. I
20 did forget about that.

21 Q. Well, I heard that. I heard that
22 also, so that was one of the things I'd written
23 down. Do you remember this individual when he was
24 coming into your house or on your front porch
25 saying that he needed to go pee?

1 can. If you want to waive that right and just tell
2 us on the record that you're waiving your right to
3 read and sign, you can do that. It's up to you.

4 THE WITNESS: I'll waive my right to
5 read and sign. I trust her judgment.

6 MR. HENSON: Then we'll show on the
7 record that you've waived your right to read and
8 sign it and we won't send you a copy of it. The
9 one thing I will tell you -- off the record I'll
10 get your cell phone number. We've got this case
11 set for trial I think in April of next year; is
12 that right?

13 MR. CARNIE: I believe so.

14 MR. HENSON: And if this case has to
15 be tried, we will probably subpoena you again to
16 ask you to come to the trial, which will be in
17 Jefferson City actually. That's a little bit
18 further.

19 THE WITNESS: Yeah.

20 MR. HENSON: But that's not until
21 April of 2014. I'm just telling you that so you'd
22 be aware.

23 THE WITNESS: Okay.

24 MR. HENSON: And I guess technically
25 the subpoena may be valid to get you there that's